

REMARKS/ARGUMENTS

I. Summary of the Office Action

Claims 1-53 are pending in the application. The Examiner rejected claims 40-42.

The Examiner rejected claims 40-42 under 35 U.S.C. 103(a) as being unpatentable over McCausland et al. U.S. Patent No. 5,243,331 (hereinafter, “McCausland”) in view of Jain et al. U.S. Patent No. 6,343,278 (hereinafter, “Jain”).

II. Summary of Applicants Reply

Claims 1-39 and 43-54 are cancelled. Applicants respectfully submit that no new matter has been introduced into the subject application. Specifically, new claims 54-61 are supported by the original specification and drawings, for example, as discussed below in greater detail.

The Examiner’s rejections are respectfully traversed below.

III. The Rejection of All Claims Under and 103(a)

The Examiner rejected claims 40-42 under 35 U.S.C. 103(a) as being unpatentable over McCausland in view of Jain. Applicants traverses the rejection.

McCausland merely discloses a keypad for interacting with a computer system having a display screen. For example, McCausland recites that:

The present invention relates to an improved computer system and program for trading securities comprising a central host computer system, plural personal computer-based trading stations geographically remote from the host system, a communications network connecting the trader stations to the host system, **and a special-function keypad attached to the trading station for interacting with the system.**
(Col. 2, lines 40-47)

Applicants' disclosed subject matter does not require special equipment. Rather, applicants' invention only requires, for example, a computer. Applicants' claimed invention recites

40. (Currently Amended) A computer-based trading method for trading a plurality of different types of bond instruments, comprising: enabling a trader to submit at least one of a bid and an order completely anonymously **on a computer;**

enabling a user to submit an order and control an amount of the order that is disclosed to other traders;

displaying a trading order including a plurality of data fields;

submitting a trading order when completed by a user on one side of a prospective trade for one of the plurality of debt instruments;

authorizing broadcast of at least part of the trading order to all of the plurality of traders;

forwarding all trading orders authorized for broadcast to each of the plurality of computers without disclosing an identity of each trader associated with each trading order being broadcast;

displaying all received trading orders forwarded from a controller for broadcast;

submitting a completed trading order to a central controller under control of a user;
matching buy orders to sell orders using a price/time priority; and
completing automatically a trading order upon selection by a user of a particular bid or offer being displayed by the client application.

Unlike the claimed computer-based system, McCausland merely discloses a “special-function keypad.” That is, applicants’ invention utilizes a standard computer keypad while McCausland merely discloses a “special-function keypad.”

Further, nowhere does the cited prior art teach or suggest, at least, the amended limitations. For example, nowhere does McCausland or Jain disclose displaying a trading order including a plurality of data fields; submitting a trading order when completed by a user on one side of a prospective trade for one of the plurality of debt instruments; authorizing broadcast of at least part of the trading order to all of the plurality of traders; forwarding all trading orders authorized for broadcast to each of the plurality of computers without disclosing an identity of each trader associated with each trading order being broadcast; displaying all received trading orders forwarded from a controller for broadcast; submitting a completed trading order to a central controller under control of a user; completing automatically a trading order upon selection by a user of a particular bid or offer being displayed by the client application.

Further, the Examiner admitted, when relying on Jain, that McCausland does not explicitly disclose enabling a user to submit an order and control an amount of the order that is disclosed to other traders. Applicants disagree that there is motivation to combine McCausland and Jain. For example, as stated above, McCausland merely discloses a keypad for interacting with a computer system having a display screen. Unlike McCausland, Jain discloses an improved multiple order facility for a computerized trading system. The Examiner recited that:

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of McCausland and include enabling a user to submit an order and control an amount of the order that is disclosed to other traders, as disclosed by Jain to control the price of security and avoid having a negative impact on the market price of the security.

Applicants respectfully traverse the Examiner's statement. Further, Applicants request that the Examiner provide supporting references and/or an affidavit under 37 C.F.R. § 1.104(d)(2). In the absence of either, Applicants request withdrawal of rejections made, in part, based on the Notices.

Further still, without acquiescence to the combination of Jain and McCausland, applicants disagree that the combination would result in, at least, the claimed invention. For example, in rejecting claim 41, the Examiner referred to Figure 1; col. 1 lines 12-28; col. 11 lines 34-57. Each of the Examiners proposed combinations does not result in the claim invention.

For example, Col. 1, lines 12-28 merely discloses a commonly assigned patent that discloses an automated matching system for anonymous trading of foreign currencies in which traders may enter bids and offers through trader workstations into a distributed matching system. Based on Col. 1, lines 12-28, combining Jain and McCausland would result in **a special-function keypad** for anonymous trading of **foreign currencies**, which still does not disclose the claimed **computer-based trading** method for trading a plurality of different types of **bond instruments** enabling a user to submit an order and control an amount of the order that is disclosed to other traders.

Further, for example, col. 11, lines 34-57 discloses that all involved traders (or at least those traders having bilateral credit with the trader submitting an order that is part of the displayed Available Amount (AA) may be given a visual indicator that the displayed amounts are subject

to a common Order Limit, and thus the amount actually available in the market may be only a fraction of what is shown on his display. Based on col. 11, lines 34-57, combining Jain and McCausland would result in a **special-function keypad** for displaying the **Available Amount**, which still does not disclose the claimed **computer-based trading** method for trading a plurality of different types of bond instruments **enabling a user to submit an order and control an amount of the order that is disclosed to other traders**.

Further still, for example, Figure 1 merely discloses a trader's screen. Nowhere does the trader's screen indicate enabling a user to submit an order and control an amount of the order that is disclosed to other traders. Rather, the Examiner's proposed combining of Jain and McCausland would result in a **special-function keypad** and a trader's screen that **does not** indicate enabling a user to submit an order and control an amount of the order that is disclosed to other traders. Unlike the Examiner's proposed combination, applicants claimed a **computer-based trading** method for trading a plurality of different types of bond instruments **enabling a user to submit an order and control an amount of the order that is disclosed to other traders**.

Applicants respectfully request reconsideration based on, at least, the amended limitations and the reasons presented above.

IV. New Claims

Applicants have added new claims 54-61 to better define the patentable subject matter. Applicants submit that each of the new claims includes matter presented in the application.

CONCLUSION

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution and/or explicitly recite that which is already present within the claims. Moreover, Applicants reserve the right to pursue the original and/or complimentary subject matter recited in the present claims in a continuation application.

Any claims that have been cancelled are hereby cancelled without prejudice or disclaimer, and Applicants reserve the right to further prosecute these claims in continuing applications. In addition, Applicants have attempted to claim all embodiments disclosed in the present application, and no disclaimer of any embodiments is hereby intended by the presently pending claims.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicants' best attempt at providing one or more definitions of what the Applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicants are seeking for this application. Therefore, no estoppel should be presumed, and Applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents and/or statutory equivalents, i.e., all equivalents that are substantially the same as the presently claimed invention.

Further, Applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintain the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

Applicants also traverse any “Official Notice,” “Design Choice,” “Admitted Prior Art” or other alleged prior art that the Examiner purports is well known with respect to the claimed combination of the present invention. Applicants disagree and request the Examiner to provide a prior art reference describing any of these features that the Examiner has not provided a prior art reference or an affidavit under 37 C.F.R. Section 1.104(d)(2) providing details of why it would have been obvious. In the absence of either, Applicants request withdrawal of this rejection for these reasons as well.

For all the reasons advanced above, Applicants respectfully submit that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicants respectfully submit that the Application is in condition for allowance, and that such action is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

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